



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

Enforcement and Compliance Assurance Division

1201 ELM STREET, SUITE 500

DALLAS, TEXAS 75270

August 20, 2020

Via Electronic Mail:

mruley@alliedbioscience.com

Mike Ruley
Allied BioScience, Inc., International Headquarters
5000 Legacy Drive, Suite 350
Plano, TX 75024

Re: Advisory Letter

Dear Mr. Ruley,

The United States Environmental Protection Agency (EPA) is issuing this Advisory Letter to Allied BioScience, Inc., based on information discovered on the company's distribution website, www.alliedbioscience.com, and communications with Mr. Lawrence Pittman, Office of Regional Counsel, and Ms. Clarisa Romero, Pesticides Program staff, concerning the registered antimicrobial coating product SurfaceWise, EPA Reg. No. 92082-1 (Product Name: 2015).

On August 3, 2020, the EPA spoke with Allied BioScience regarding claims made on the company's website concerning the virus SARS-CoV-2 and the disease caused by the virus, COVID-19. The EPA discussed that the presence of COVID-19 information on your website constitutes misbranding and misleads consumers regarding the effectiveness of your product against SARS-CoV-2. This is a violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E). Please be advised that any claims made for a registered product as part of a distribution or sale that differ from any claims approved through the product's registration is a violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B); this includes claims such as the product is "non-toxic to humans, and non-aquatic pets."

Thank you for your immediate attention to remove any misbranding, including false and misleading statements, from the Allied BioScience website. Should you need additional information related to SARS-CoV-2 and COVID-19, please reference the EPA Coronavirus Disease (COVID-19) webpage at www.epa.gov/coronavirus.

Please note that this Advisory Letter does not limit or preclude the EPA's ability to take additional enforcement action authorized pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including penalties of up to \$20,228 per violation.

If you have any questions concerning this Advisory Letter, please contact Mr. Lawrence Pittman, with the Office of Regional Counsel, at (214) 665-8381, or pittman.lawrence@epa.gov, or Mr. Lee McMillan at (214) 665-6404, or mcmillan.lee@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division